

## **Appendix Exhibit 25**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABBY B. CONLEY,  
Plaintiff

v.

COUNTY OF ERIE, et al.,  
Defendants

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CIVIL ACTION NO. 05-76 ERIE

HEARING ON MOTIONS TO COMPEL

Proceedings held before the HONORABLE  
SEAN J. McLAUGHLIN, U.S. District Judge,  
in Courtroom C, U.S. Courthouse, Erie,  
Pennsylvania, on Wednesday, January 4, 2006.

APPEARANCES:

TIMOTHY D. McNAIR, Esquire, appearing on behalf  
of the Plaintiff.

ANTHONY ANGELONE, Esquire, appearing on behalf  
of the Plaintiff.

EDMOND R. JOYAL, JR., Esquire, appearing on  
behalf of Defendants County of Erie, et al.

MARK R. LANE, Esquire, appearing on behalf of  
Defendant John A. Onorato, Esquire.

Ronald J. Bench, RMR - Official Court Reporter

**EXHIBIT**

App. Ex. 25

1 previously diagnosed with any of those conditions?

2 MR. McNAIR: She did not testify that she had been  
3 diagnosed with schizophrenia or paranoia or addiction. She did  
4 testify that she had remotely been diagnosed with depression  
5 and, again, after this incident. In both cases I believe it  
6 was reactive depression. And these symptoms cleared after a  
7 brief period of treatment. There is no evidence there was any  
8 ongoing treatment. There is no evidence that there was any  
9 ongoing condition.

10 THE COURT: Primarily, though, your objection there  
11 is to relevance, is that correct -- or just privilege?

12 MR. McNAIR: Privilege and relevance, it's over  
13 broad.

14 THE COURT: All right, I'm going to come back and  
15 rule on those other ones. But with respect to 12, where you  
16 incorporate by reference, I'm going to direct that you answer  
17 that.

18 Number 13, "please identify the name, address,  
19 telephone number and employer of each member or representative  
20 of the media, press, radio, television or otherwise, with whom  
21 you have communicated and the dates of each communication with  
22 each such individual since January 1, 2003." What's wrong with  
23 that?

24 MR. McNAIR: It's over broad. They're not entitled  
25 to know -- your Honor, Ms. Conley has been a member of the

1 Pennsylvania State Democratic Committee. She has been the  
2 vice-chair of the City of Erie Human Relations Commission, City  
3 Council appointed her, and elected vice-chair by other  
4 committee members. She has served on the Bicentennial  
5 Commission for the City of Erie. She was the chair of the time  
6 capsule project of the Bicentennial Tower. She has spoken  
7 publicly on numerous issues, including utility rates,  
8 Congressional pay raises, cuts in Medicaid and Medicare.  
9 She has been involved in civic activities throughout her adult  
10 life. All of these activities involve her speaking with the  
11 press. They have no relevance to any issue that is pleaded in  
12 this case.

13 THE COURT: Excuse me, what was the date of her  
14 termination?

15 MR. McNAIR: September 10, 2004.

16 THE COURT: Fourteen, what is your position on 14,  
17 name and address of all Internet service providers since  
18 January 1, 1995?

19 MR. McNAIR: Well, your Honor, that is -- obviously,  
20 the intent is that they're going to subpoena the Internet  
21 service providers and try to get copies of her e-mails. We  
22 might as well face that issue now. Ms. Conley and I  
23 communicate by e-mail on a daily basis, as does Mr. Angelone.  
24 She communicates with other people on matters that have  
25 absolutely no relevance whatsoever to this case. That is the